IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

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SUPREME COURT, U.S.

No. 82-118

CROWN, CORK & SEAL COMPANY, INC., PETITIONER

v.

THEODORE PARKER

ON WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

MOTION FOR DIVIDED ARGUMENT

Pursuant to Rule 38.4 of the Rules of this Court, the Solicitor General, on behalf of the Equal Employment Opportunity Commission, requests that the time allotted to respondent for oral argument be divided between respondent and the Equal Employment Opportunity Commission, with 20 minutes allocated to respondent and 10 minutes to the Commission. The Commission has filed a brief as amicus curiae supporting respondent in this case.

The question presented by this case is whether the filing of a class action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., suspends the running of the statute of limitations against the claims of members of the asserted class until class certification is denied, so that they may file separate actions. The Commission has primary responsibility for the enforcement of Title VII. Private enforcement is an important adjunct to the Commission's efforts, and the resolution of the question presented by this case will significantly affect the efficacy of private enforcement.

After having had an opportunity to read the Commission's brief, respondent wishes to cede to the Commission 10 minutes of argument time and therefore joins in this motion. We believe that this division of time will significantly contribute to the elucidation of the issue presented by this case in oral argument.

Respectfully submitted.

REX E. LEE
Solicitor General

FEBRUARY 1983